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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/032,218

12/21/2001

Carlton J. Sparrell

UCN-010

3464

26853

7590

07/03/2006

COVINGTON & BURLING  
ATTN: PATENT DOCKETING  
1201 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20004-2401

EXAMINER

DANG, HUNG Q

ART UNIT

PAPER NUMBER

2633

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/032,218	Applicant(s) SPARRELL ET AL.	
	Examiner Hung Q. Dang	Art Unit 2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/21/2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/17/2003</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 9/17/2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The a copy of the document designated as "Re 36,801" was not supplied by applicant and the reference number provided cannot locate the document.

### ***Specification***

The disclosure is objected to because of the following informalities: misspelling of area in "home area network" on page 12, line 4.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US 5,991,498) and Samson, "Technical Information: Digital Signals", 12/1999 (URL: [http://www.samson.de/pdf\\_en/l150en.pdf](http://www.samson.de/pdf_en/l150en.pdf)).

Claim 1 and 9 recite a digital video recording and playback method or system comprising of steps or devices that perform the following functions: providing at least one electronic audio-video program source, providing length of program in interest via a program guide source, converting length information to a buffer memory size, establishing a buffer memory matching the size, and recording the program into the buffer memory.

Young teaches a method or system for VCR programming comprising of steps or components that do the following functions: providing at least one electronic audio-video program source (column 4, lines 4-7), providing length of program of interest via a program guide source (column 3; lines 13-17), converting length information to a buffer memory size (this is equivalent to programming the VCR in Young - see column 3; lines 28-29), establishing a buffer memory matching the size (which is equivalent to controlling the recording for the duration of the length parameter), and recording the selected program in the buffer memory (see column 15, lines 4-6).

Claims 17 and 23 recite a digital video recording and playback method or system comprising of steps or devices that perform the following functions: providing at least one electronic audio-visual program source, establishing a buffer memory having a size adequate to record a program of interest, and recording a selected program in the established buffer memory.

Young teaches a method or system for VCR programming comprising of steps or components that do the following functions: providing at least one electronic audio-video program source (column 4, lines 4-7), establishing a buffer memory having a size adequate to record a program of interest, which includes providing length of program of interest via a program guide source (column 3; lines 13-17), converting length information to a buffer memory size (this is equivalent to programming the VCR in Young - see column 3; lines 28-29), and recording a selected program in the established buffer memory (see column 15, lines 4-6).

Claims 2, 3, 10, and 11 recite program length information comprising the scheduled start time and scheduled end time of a program of interest.

Young teaches a program schedule comprising scheduled start time and end time of the program in interest (column 3, lines 13-17). The scheduled end time is start time added by the program length.

Claim 4, 12, 19, and 25 recite designating a program stored in said buffer memory for long-term storage, which is taught by Young under the view that the tape in Young is used as buffer memory and long-term storage.

Claim 5 and 13 recite, for programs of indefinite length, the length information comprises as a default, a fixed length, which is taught by Young (column 10, lines 14-16)

Claims 6-8, 14-16, 20-22, and 26-28 recite releasing established buffer memory from recording the current program and making its memory space available to part of

another buffer memory if needed when the current program has been recorded or when a user tunes in to another program or when a user directs that recording be halted.

These steps are equivalent to reuse of recorded tapes in Young under corresponding circumstances.

Claims 18 and 24 recite a buffer memory having size set to one of a plurality of fixed sizes to match an estimated size of a program of interest.

Young teaches buffer memory size being one of plurality of fixed size by setting estimated recording time to nearest 15 minutes or 30 minutes (see column 8; lines 10-55).

Young do not teach digital programs or signals.

Samson, "Technical Information: Digital Signals", 12/1999. (URL: [http://www.samson.de/pdf\\_en/l150en.pdf](http://www.samson.de/pdf_en/l150en.pdf)) teaches that digital technology is increasingly being used because, in various applications, digital signal transmission has many advantages over analog signal transmission and that the some advantages of digital signal processing are: high interference immunity, easy data storage, flexible processing, and various transmission options.

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the concept of using digital signal processing taught by Samson in the method of VCR programming taught by Young because, as said above, digital signal transmission has many advantages over analog signal transmission and that the some advantages of digital signal processing are: high interference immunity, easy data storage, flexible processing, and various transmission options. One of

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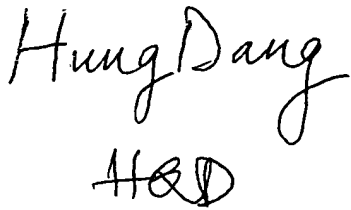
ordinary skill in the art at the time the invention was made would have had a reasonable expectation of combining the method of VCR programming taught by Young with the digital processing concept by well known steps of conversion from analog to digital and from digital to analog (see Samson above).

Therefore the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-5:00; every other Friday: 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Handwritten signature of Hung Dang in cursive script, with the initials 'HD' written below it.

Patent Examiner

Handwritten signature of Shanon A. Foley in cursive script.

Shanon A. Foley

Supervisory Patent Examiner